

1 I. REMARKS

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3 The Examiner has rejected claims 1-9 in the above referenced Office

4 Action.

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6 Applicant respectfully submits the following Amendment to

7 Examiner's Office Action and requests that the Examiner allows all of the

8 amended and new claims presented in this response.

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1 II. DRAWINGS

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3 The Examiner has objected the drawings under 37 CFR 1.83(a) for not
4 showing every feature of the invention specified in the claims. Applicant
5 respectfully submits new figure 4, and figure 4a for the Examiner's
6 consideration.

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8 Applicant respectfully directs the Examiner to note that new figure 4a
9 shows the filler material of claims 5 and 9. In addition, Applicant directs
10 the Examiner to note that the Specification of the above referenced patent
11 application has been amended to reflect amended figure 4 and new figure
12 4a as is described in Section III. below, and that no new matter has been
13 introduced.

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1 **III. SPECIFICATION**

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3 The Examiner has objected the disclosure because of the informalities
4 listed in the above referenced Office Action.

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6 Applicant has amended the disclosure in accordance with the
7 Examiner's recommendations for Examiner's consideration.

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9 In addition, as previously mentioned, Applicant directs the Examiner
10 to note that the Specification of the above referenced patent application has
11 been amended to reflect amended figure 4, and new figure 4a.

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1 **IV. CLAIM OBJECTIONS**

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3 The Examiner has objected claims 1 and 7 because of the informalities
4 listed in the above referenced Office Action.

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6 Applicant has amended claim 1 in accordance with the Examiner's
7 recommendations for Examiner's consideration. Applicant has cancelled
8 claim 7.

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1 V. CLAIM REJECTIONS under 35 USC Section 112

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3 The Examiner has rejected claims 1-9 under 35 U.S.C. 112, second
4 paragraph, as being indefinite for failing to particularly point out and
5 distinctly claim the subject matter, which Applicant regards as the
6 invention. Applicant has studied said rejection on claims 1-9 and
7 respectfully directs Examiner to the following analysis.

8

9 The Examiner states that the limitation of a "jeep-type vehicle" is
10 indefinite since it is unclear what vehicles can be considered "jeep-type".

11

12 The Applicant respectfully directs the Examiner to figure 1, wherein
13 illustrated is a vehicle suitable for traveling over rough terrain having four
14 wheels and exhibiting the characteristics or capable of exhibiting the
15 characteristics of a jeep including large capacity and four-wheel drive. In
16 addition, Applicant respectfully directs the Examiner to page 7, lines 4-5 of
17 the patent application where it states "In the preferred embodiment, jeep-
18 type vehicle 100 is a "JEEP" model "CJ-7", or WRANGLER" up to the year
19 1998 of DaimlerChrysler."

20

21 Applicant has amended claims 1 and 3 through 6, and added claims
22 10 through 12 to show what vehicles can be grouped and encompassed in
23 the "jeep-type" vehicle category for the Examiner's consideration.
24 Applicant has cancelled claims 2, and 7through 9.

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1 VI. DOUBLE PATENTING

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3 The Examiner has objected claims 2, 4, and 6 under 37 CFR 1.75 as
4 being a substantial duplicate of claims 7, 8, and 9, respectively.

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6 Applicant has cancelled claims 2 and 7 through 9 so they are no
7 longer coextensive in scope with previous claims 4 and 6.

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1 **VII. CLAIM REJECTIONS under 35 U.S.C. Section 102**

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3 The Examiner rejects claims 1-2 and 7 under 35 U.S.C 102(b) as being
4 anticipated by Saunders (4,805,956). The Examiner states that Saunders
5 discloses "a rooftop used in combination with a jeep-type vehicle,
6 comprising: a substantially rectangular top wall 14 having first, second,
7 third, and fourth ends, the first and second ends parallel and equally
8 spaced apart from each other by the third and fourth ends (figure 1), the
9 first end removably secured to a windshield frame of a jeep-type vehicle,
10 the substantially rectangular top wall also having first and second
11 elongated wedges 30; and first and second side walls 16 extending
12 substantially perpendicularly from the third and fourth ends to form the
13 rooftop for the jeep-type vehicle, the first and second side walls
14 terminating at first and second bases, integral therewith, respectfully and
15 mount upon the jeep-type vehicle, the rooftop only covering a driver and
16 front passenger cabin of the jeep-type vehicle. The rooftop is made of a
17 hard, lightweight, weatherproof plastic material."

18

19 Applicant respectfully directs the Examiner to the following analysis.
20 The scope of the claimed invention is limited to jeep-type vehicles and not
21 a pickup truck having a bed portion as taught by Saunders in figure 1. The
22 Applicant respectfully directs the Examiner once again to figure 1, wherein
23 illustrated is a vehicle suitable for traveling over rough terrain having four
24 wheels and exhibiting the characteristics or capable of exhibiting the
25 characteristics of a jeep including large capacity and four-wheel drive. In
26 addition, Applicant directs the Examiner to page 7, lines 4-5 of the patent
27 application where it states "In the preferred embodiment, jeep-type vehicle

1 **100** is a "JEEP" model "CJ-7", or WRANGLER" up to the year 1998 of
2 DaimlerChrysler."

3

4 Saunders teaches hinges 21 used for storing cab top 11. The
5 Applicant directs the Examiner to column 5, lines 10-34 of Saunders where
6 it states "To convert the pickup truck into an open cab or roadster type of
7 vehicle, the lever 41 is raised to disengage the clamping members 39 from
8 the brackets 35 at the windshield and the latches 23 at the rear of the cab
9 are unfastened. The driver or operator may then lift the front of the roof
10 portion 14 off the windshield frame 32 and pivot the cab top 11 upward
11 and rearwardly about the hinge pivot pins 22. Roof portion 14 will be
12 received on the support blocks or brackets 42 or 45 generally parallel to the
13 floor of the bed. Rear wall 15 of cab top 11 will reside generally parallel and
14 closely adjacent the front wall 43 of the truck bed. The pivot pin location of
15 the hinges 21 is slightly greater than half the distance between the rear wall
16 19 of the lower cab portion 12 and the front wall 43 of the bed whereby the
17 rear wall 15 of the cab top will be spaced from the front wall 43 of the bed
18 in the stored position. In this manner, the convertible cab top 11 is easily
19 and conveniently stored in the truck bed behind the cab area, and the
20 pickup truck is converted to an open cab or roadster type vehicle. To secure
21 the convertible cab top 11 in the raised position, the foregoing procedure is
22 reversed."

23

24 Applicant however, teaches a completely removable top as depicted
25 in figure 1 of the present application. Furthermore, Saunders teaches a
26 pickup truck requiring modifications to the vehicle whereas Applicant
27 teaches a removable top that may be utilized without making
28 modifications to the jeep-type vehicle.

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2 Applicant respectfully directs the Examiner to page 8, lines 16-20 of
3 the patent application where it states “The instant invention, defined as a
4 removable rooftop, is lightweight and may be mounted onto jeep-type
5 vehicle **100** by a single person without aid or assistance in most cases.
6 Furthermore, the removable rooftop may be installed onto a jeep-type
7 vehicle without making modifications to the jeep-type vehicle.”
8

9 With regard to claims 2 and 7, the Examiner states that the “first and
10 second elongated wedges 30 extend from the first end to the first and
11 second bases and cooperate to receive door window frames (not shown) of
12 the vehicle when the door window frames are in a closed position.”
13

14 Applicant respectfully directs that Saunders does not teach “door
15 window frames” at all, and only teaches cab side windows. Applicant
16 directs the Examiner to column 4, lines 9-13 of Saunders where it states
17 “The convertible cab top 11 may also be provided with conventional
18 window channels or guide members 30 on opposite sides which receive the
19 cab side windows when rolled up.”
20

21 Applicant’s door window frames provide benefits not taught by
22 Saunders. Specifically, the Applicant directs the Examiner to page 6, lines
23 10-14 of the patent application where it states “In the closed position, the
24 door window frame of door **106**, forms a seal with wedge **38**. This seal
25 reduces interior cabin noise for the driver and passengers; provides
26 protection from weather elements wind, such rain, hail, sleet, and snow;
27 and helps protect the driver and passengers from debris while driving.”
28

1 Applicant has amended claims 1 and 3 through 6 for the Examiner's
2 consideration. Applicant has cancelled claims 2 and 7 through 9.

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1 **VIII. CLAIM REJECTIONS under 35 U.S.C. Section 103(a)**

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3 Claims 1-3 and 7 are rejected under 35 U.S.C. 103(a) as being
4 unpatentable over Monroe et al. in view of Saunders.

5

6 The Examiner stated that Monroe et al. (4,238,876) teaches "a rooftop
7 used in combination with a jeep-type vehicle, comprising: a substantially
8 rectangular top wall 20 having first, second, third, and fourth ends, the first
9 and second ends parallel and equally spaced apart from each other by the
10 third and fourth ends, the first end removably secured to a windshield
11 frame of the jeep-type vehicle, and first and second side walls (figure 1)
12 extending substantially perpendicularly from the third and fourth ends to
13 form the rooftop for the jeep-type vehicle, the first and second side walls
14 terminating at first and second bases at the lower ends of the side walls
15 respectfully and mount upon the jeep-type vehicle, the rooftop only
16 covering a driver and front passenger cabin of the jeep-type vehicle."

17

18 Applicant respectfully directs the Examiner to the following analysis.
19 Monroe et al. teaches a "method for converting hard top vehicles to
20 removable top vehicles". Applicant directs the Examiner to column 3, lines
21 20-42 of Monroe et al. where it states "The present invention comprises a
22 method for severing the roof of the cab of a pickup truck from the body of
23 the pickup truck and adapting that severed roof portion to be removably
24 rejoined to the remaining structure of the pickup truck. The method also
25 employs devices referred to as gaskets the structure of which is also
26 disclosed herein. The purpose for employing the method and devices of the
27 present invention is to effect a separation of a portion of the roof of the cab
28 of the truck from the body of the truck and to insert in the severed roof

1 portion the male halves of two sets of mating gaskets. The female halves of
2 the respective mated pairs of gaskets are installed on the corresponding
3 severed portions of the body of the truck. When installation of the gaskets
4 is completed the roof portion may then be joined to the body portion by
5 insertion of the male portions of the gaskets into the female portions of the
6 gaskets. Once the severed roof portion is thus rejoined to the body portion
7 of the pickup truck it is latched in place by four suitably placed latches on
8 the interior of the cab. With this purpose in mind a reference to FIG. 1 will
9 facilitate an understanding of the invention.”

10

11 As with Saunders, Monroe et al. teaches a pickup truck requiring
12 modifications to the vehicle whereas Applicant teaches a removable top
13 that may be utilized without making modifications to the jeep-type vehicle.

14

15 Applicant again respectfully directs the Examiner to page 8, lines 16-
16 20 of the patent application where it states “The instant invention, defined
17 as a removable rooftop, is lightweight and may be mounted onto jeep-type
18 vehicle 100 by a single person without aid or assistance in most cases.
19 Furthermore, the removable rooftop may be installed onto a jeep-type
20 vehicle without making modifications to the jeep-type vehicle.”

21

22 The Examiner states that with regard to claim 3, the substantially
23 rectangular top wall (figure 11) is a double-walled structure with a cavity.
24 The top wall has an upper wall and a lower wall. The lower wall can be
25 considered a support wall to define a reinforced area of the top wall for
26 structural integrity.

27

1 Applicant agrees with the Examiner that the lower wall as taught by
2 Monroe et al. can be considered a support wall to define a reinforced area
3 of the top wall for structural integrity. However, as previously stated,
4 Monroe et al. teaches “severing the roof of the cab of a pickup truck” as
5 opposed to Applicant teaching a manufactured article not part of the
6 original jeep-type vehicle.

7

8 The Examiner states that with regard to claim 5, “the rooftop is filled
9 with a filler material 80 (figure 11). The filler material is made of foam and
10 is capable of reducing ultra violet radiation and exterior noise within the
11 driver and front passenger cabin of the vehicle.”

12

13 Applicant respectfully disagrees with the Examiner. To the best of
14 Applicant’s knowledge, Monroe et al. does not teach nor mention that the
15 filler material is capable of reducing ultra violet radiation and exterior
16 noise within the driver and front passenger cabin of the vehicle.

17

18 Applicant agrees with the Examiner that Monroe et al. lacks the
19 substantially rectangular top wall also having first and second elongated
20 wedges and further lacks the first and second elongated wedges extending
21 from the first end to the first and second bases and cooperating to receive
22 door window frames of the vehicle when the door window frames are in a
23 closed position.

24

25 The Examiner states that Saunders (4,805,956) teaches “a rooftop used
26 in combination with a jeep-type vehicle, comprising: a substantially
27 rectangular top wall 14 having first, second, third, and fourth ends, the first
28 and second ends parallel and equally spaced apart from each other by the

1 third and fourth ends (figure 1), the first end removably secured to a
2 windshield frame of a jeep-type vehicle, the substantially rectangular top
3 wall also having first and second elongated wedges 30; and first and
4 second side walls 16 extending substantially perpendicularly from the
5 third and fourth ends to form the rooftop for the jeep-type vehicle, the first
6 and second side walls terminating at first and second bases, integral
7 therewith, respectfully and mount upon the jeep-type vehicle, the rooftop
8 only covering a driver and front passenger cabin of the jeep-type vehicle.”
9 Additionally, the Examiner states that the “first and second elongated
10 wedges 30 extend from the first end to the first and second bases and
11 cooperate to receive door window frames (not shown) of the vehicle when
12 the door window frames are in a closed position.”

13

14 Applicant again respectfully directs the Examiner to the following
15 analysis. The scope of the claimed invention is to jeep-type vehicles and
16 not a pickup truck having a bed portion as taught by Saunders in figure 1.
17 The Applicant respectfully directs the Examiner once again to figure 1,
18 wherein illustrated is a vehicle suitable for traveling over rough terrain
19 having four wheels and exhibiting the characteristics or capable of
20 exhibiting the characteristics of a jeep including large capacity and four-
21 wheel drive. In addition, Applicant respectfully directs the Examiner to
22 page 7, lines 4-5 of the patent application where it states “In the preferred
23 embodiment, jeep-type vehicle 100 is a "JEEP" model "CJ-7", or
24 "WRANGLER" up to the year 1998 of DaimlerChrysler.”

25

26 Saunders teaches hinges 21 used for storing cab top 11. The
27 Applicant directs the Examiner to column 5, lines 10-34 of Saunders where
28 it states “To convert the pickup truck into an open cab or roadster type of

1 vehicle, the lever 41 is raised to disengage the clamping members 39 from
2 the brackets 35 at the windshield and the latches 23 at the rear of the cab
3 are unfastened. The driver or operator may then lift the front of the roof
4 portion 14 off the windshield frame 32 and pivot the cab top 11 upward
5 and rearwardly about the hinge pivot pins 22. Roof portion 14 will be
6 received on the support blocks or brackets 42 or 45 generally parallel to the
7 floor of the bed. Rear wall 15 of cab top 11 will reside generally parallel and
8 closely adjacent the front wall 43 of the truck bed. The pivot pin location of
9 the hinges 21 is slightly greater than half the distance between the rear wall
10 19 of the lower cab portion 12 and the front wall 43 of the bed whereby the
11 rear wall 15 of the cab top will be spaced from the front wall 43 of the bed
12 in the stored position. In this manner, the convertible cab top 11 is easily
13 and conveniently stored in the truck bed behind the cab area, and the
14 pickup truck is converted to an open cab or roadster type vehicle. To secure
15 the convertible cab top 11 in the raised position, the foregoing procedure is
16 reversed."

17

18 Applicant however, teaches a completely removable top as depicted
19 in Applicants' figure 1. Furthermore, Saunders teaches a pickup truck
20 requiring modifications to the vehicle whereas Applicant teaches a
21 removable top that may be utilized without making modifications to the
22 jeep-type vehicle.

23

24 Applicant again respectfully directs the Examiner to page 8, lines 16-
25 20 of the patent application where it states "The instant invention, defined
26 as a removable rooftop, is lightweight and may be mounted onto jeep-type
27 vehicle 100 by a single person without aid or assistance in most cases.

1 Furthermore, the removable rooftop may be installed onto a jeep-type
2 vehicle without making modifications to the jeep-type vehicle.”
3

4 Applicant again respectfully directs that Saunders does not teach
5 “door window frames” at all, and only teaches cab side windows.
6 Applicant directs the Examiner to column 4, lines 9-13 of Saunders where it
7 states “The convertible cab top 11 may also be provided with conventional
8 window channels or guide members 30 on opposite sides which receive the
9 cab side windows when rolled up.”
10

11 Applicant’s door window frames provide benefits not taught by
12 Saunders. Specifically, the Applicant directs the Examiner to page 6, lines
13 10-14 of the patent application where it states “In the closed position, the
14 door window frame of door 106, forms a seal with wedge 38. This seal
15 reduces interior cabin noise for the driver and passengers; provides
16 protection from weather elements wind, such rain, hail, sleet, and snow;
17 and helps protect the driver and passengers from debris while driving.”
18

19 Applicant respectfully contends that it would not have been obvious
20 to one of ordinary skill in the art at the time the invention was made to
21 have provided first and second elongated wedges of the type taught by
22 Saunders upon the top wall of Monroe et al. in order to allow the top wall
23 to be closely engaged to the window door frames of the vehicle when
24 closed to create a tighter fit (for sealing purposes) and enhance the
25 aesthetics or looks of the vehicle; since Saunders teaches a convertible
26 pickup truck having a lower cab portion and a bed portion with a
27 convertible cab top pivotally mounted on the lower cab portion, which is
28 movable between a raised position covering the lower cab portion and a

1 stored position within the bed behind the front wall of the bed; and
2 Monroe et al. teaches a procedure whereby a vehicle that has been
3 manufactured with a top that is of unitary construction with the body of
4 the vehicle may be converted to a vehicle having a removable top.

5

6 Applicant teaches a manufactured article not part of the original jeep-
7 type vehicle having a removable rooftop comprising a top wall. Extending
8 approximately perpendicularly from the top wall are first and second side
9 walls. The rooftop is removable and is of a half-cut design. The rooftop is
10 a hard top and is lightweight, allowing a single person to mount or remove
11 the rooftop from the jeep-type vehicle. Additionally, the rooftop comprises
12 a support wall integrated onto the top wall to allow for a sunroof to be
13 installed into the rooftop if desired. Applicant's door window frames
14 provide benefits not taught by Saunders. Specifically, the Applicant directs
15 the Examiner to page 6, lines 10-14 of the patent application where it states
16 "In the closed position, the door window frame of door **106**, forms a seal
17 with wedge **38**. This seal reduces interior cabin noise for the driver and
18 passengers; provides protection from weather elements wind, such rain,
19 hail, sleet, and snow; and helps protect the driver and passengers from
20 debris while driving."

21

22 The Examiner states that Claims 4; 5 and 8 are "rejected under 35
23 U.S.C. 103(a) as being unpatentable over Monroe et al., as modified, and
24 applied to claims 3 and 7 above and further in view of Litwicki."

25

26 Applicant agrees with the Examiner that "Monroe et al., as modified,
27 lacks the top wall having a sunroof assembly built within the support wall,
28 wherein the sunroof assembly, at a first predetermined distance from the

1 first end, extending towards the second end without reaching the second
2 end.”

3

4 The Examiner states the “Litwicki teaches a plastic double-walled
5 rooftop for a vehicle having a top wall with first, second, third, and fourth
6 ends; the first and second ends parallel and equally spaced apart from each
7 other by the third, and fourth ends; the first end removably secured to a
8 windshield frame 44 of the vehicle. The top wall has an upper part and a
9 lower part acting as a support wall (best seen in cross section in figure 8).
10 The top wall has a sunroof assembly 36 (figures 7-8) built within the
11 support wall, generally in the center thereof; the sunroof assembly, at a first
12 predetermined distance from the first end, extending towards the second
13 end without reaching the second end (figure 7).”

14

15 Applicant directs the Examiner to the following analysis. Applicant
16 agrees that Litwicki teaches a “central open area” 34. However, Applicant
17 respectfully directs the Examiner to note that Litwicki teaches a “roof
18 structure for toy vehicles”. Litwicki’s roof structure is utilized with toys
19 and does not teach the structural characteristics that Applicant teaches in
20 the claimed invention. Applicant’s rooftop is utilized on vehicles used for
21 transportation of individuals on roads, streets, highways and all other
22 terrains typically controlled by a government department of transportation.
23 The Applicant respectfully directs the Examiner to figure 1, wherein
24 illustrated is a vehicle suitable for traveling over rough terrain having four
25 wheels and exhibiting characteristics of capable of exhibiting the
26 characteristics of a jeep including large capacity and four wheel drive.
27 Applicant respectfully directs the Examiner to page 7, lines 4-5 of the
28 patent application where it states “In the preferred embodiment, jeep-type

1 vehicle 100 is a "JEEP" model "CJ-7", or WRANGLER" up to the year 1998
2 of DaimlerChrysler."

3

4 Litwicki teaches a pivoting roof panel. Applicant respectfully directs
5 the Examiner to column 2, lines 61-63, where Litwicki teaches "By virtue of
6 this construction, the roof panel 18 is pivotally supported by the upright
7 supports 20 and 22.

8

9 Applicant however, teaches a solid-single piece construction rooftop
10 having a sunroof assembly 23. Applicant directs the Examiner to figure 1
11 of the claimed invention, wherein the illustrated rooftop does not have
12 pivoting members as Litwicki teaches. Applicant contends that the
13 claimed invention is sturdier, safer to use and removably install.

14

15 Furthermore, Applicant teaches door window frames that provide
16 benefits not taught by Litwicki at all. Specifically, the Applicant directs the
17 Examiner to page 6, lines 10-14 of the patent application where it states "In
18 the closed position, the door window frame of door 106, forms a seal with
19 wedge 38. This seal reduces interior cabin noise for the driver and
20 passengers; provides protection from weather elements wind, such rain,
21 hail, sleet, and snow; and helps protect the driver and passengers from
22 debris while driving." In addition, Applicant directs the Examiner to page
23 7, lines 19-20 of the patent application where Applicant teaches "wedges 38
24 are shaped to complement the shape of door 106 when door 106 is shut
25 closed, as seen in figure 2." Litwicki on the other hand, does not teach such
26 innovations as claimed by the Applicant.

27

1 Applicant respectfully contends that it would not have been obvious
2 to one of ordinary skill in the art at the time the invention was made to
3 have provided a sunroof assembly as taught by Litwicki, within the
4 support wall of Monroe et al., as modified, in order to expose the area
5 above the cabin, since the Examiner has stated that Monroe et al. lacks the
6 substantially rectangular top wall also having first and second elongated
7 wedges and further lacks the first and second elongated wedges extending
8 from the first end to the first and second bases and cooperating to receive
9 door window frames of the vehicle when the door window frames are in a
10 closed position; and that Litwicki also lacks the substantially rectangular
11 top wall also having first and second elongated wedges and further lacks
12 the first and second elongated wedges extending from the first end to the
13 first and second bases and cooperating to receive door window frames of
14 the vehicle when the door window frames are in a closed position.

15
16 The Examiner states that Claims 6 and 9 are rejected under 35 U.S.C.
17 103(a) as being unpatentable over Monroe et al., "as twice modified, and
18 applied to claims 5 and 8 above and further in view of Saunders. Monroe
19 et al., as twice modified, lack the material of the rooftop. Saunders teaches
20 a rooftop made of a hard, lightweight, weatherproof plastic material."

21
22 The Applicant agrees with the Examiner that rooftops could be hard,
23 lightweight, and plastic in order to provide a rooftop that is hard and
24 lightweight since these features are desirable for vehicle body components
25 and panels. However, the Applicant respectfully contends that it would
26 not have been obvious to one of ordinary skill in the art at the time the
27 invention was made to have combined the cited prior art Monroe et al. and
28 Saunders to have made the rooftop of Monroe et al., as twice modified, to

1 be hard, lightweight, plastic as taught by Saunders in order to provide a
2 rooftop that is hard and lightweight since these features are desirable for
3 vehicle body components and panels; since Monroe et al. teaches a
4 procedure whereby a vehicle that has been manufactured with a top that is
5 of unitary construction with the body of the vehicle may be converted to a
6 vehicle having a removable top, and as with Saunders, Monroe et al.
7 teaches a pickup truck requiring modifications to the vehicle whereas
8 Applicant teaches a removable top that may be utilized without making
9 modifications to the jeep-type vehicle; and since Saunders does not teach
10 "door window frames" at all, and only teaches cab side windows, and
11 since Saunders teaches a convertible pickup truck having a lower cab
12 portion and a bed portion with a convertible cab top pivotally mounted on
13 the lower cab portion, which is movable between a raised position covering
14 the lower cab portion and a stored position within the bed behind the front
15 wall of the bed.

16

17 If the combination proposed by the Examiner were implemented,
18 the resulting structure would not work because it would require
19 modifications to be made to a vehicle that would not protect against
20 ultra-violet radiation and exterior noise. It would lack the substantially
21 rectangular top wall also having first and second elongated wedges and
22 would further lack the first and second elongated wedges extending from
23 the first end to the first and second bases and cooperating to receive door
24 window frames of the vehicle when the door window frames are in a
25 closed position and would not be fully removable. Furthermore, it would
26 not provide a seal between the window frame of the door **106** and the
27 wedge **38**. In addition, the resulting structure would not be used for a

1 vehicle suitable for traveling over rough terrain having four wheels and
2 exhibiting characteristics of capable of exhibiting the characteristics of a
3 jeep including large capacity and four wheel drive.

4

5 Applicant respectfully submits that the Examiner has not overcome
6 her burden in the proposed combination intended to anticipate the
7 invention. This hurdle requires a showing of the teaching or motivation to
8 combine prior art references. This cannot be said of the cited references
9 taken singly or in combination. There is no logical suggestion or the
10 application of any sound scientific principle that would have motivated, at
11 the time of the invention, the interrelation of information elements,
12 structure and characterization to implement the claimed invention.

13

14 It is clear that the Office has the burden of proof in the obviousness
15 issue, and not the Applicant. In re Reuter, 210 U.S.P.Q. 249 (CCPA 1981).
16 The Office has not met its burden. In In re Dembiazac, 50 U.S.P.Q.. 2d 1614
17 (CAFC 1999), the Court stated:

18

19 "Our case law makes clear that the best defenses
20 against the subtle but powerful attraction of a
21 hindsight-based obviousness analysis is rigorous
22 application of the requirement for a showing of the
23 teaching or motivation to combine prior art
24 references. Id at 1617."

25

26 The Court has previously reversed the Board in Interconnect
27 Planning Corp. v. Feil, 774 F.2d 1132, 1138, 227 USPQ 543, 547 (Fed. Cir.
28 1985) for falling in the "hindsight trap". The invention must be viewed not
29 with the blueprint (for piecing together the prior art to defeat patentability)

¹ drawn by the inventor, but in the state of the art that existed at the time.
² In re Dembiazac AT 1617, citing Interconnect Planning Corp. v. Feil, *supra*.

4 Applicant has amended claims 1 and 3 through 6, cancelled claims 2
5 and 7 through 9, and added claims 10 through 12 for the Examiner's
6 consideration, and believes his application is now allowable and ready to
7 be passed to publication and requests an early favorable action.

Respectfully submitted,

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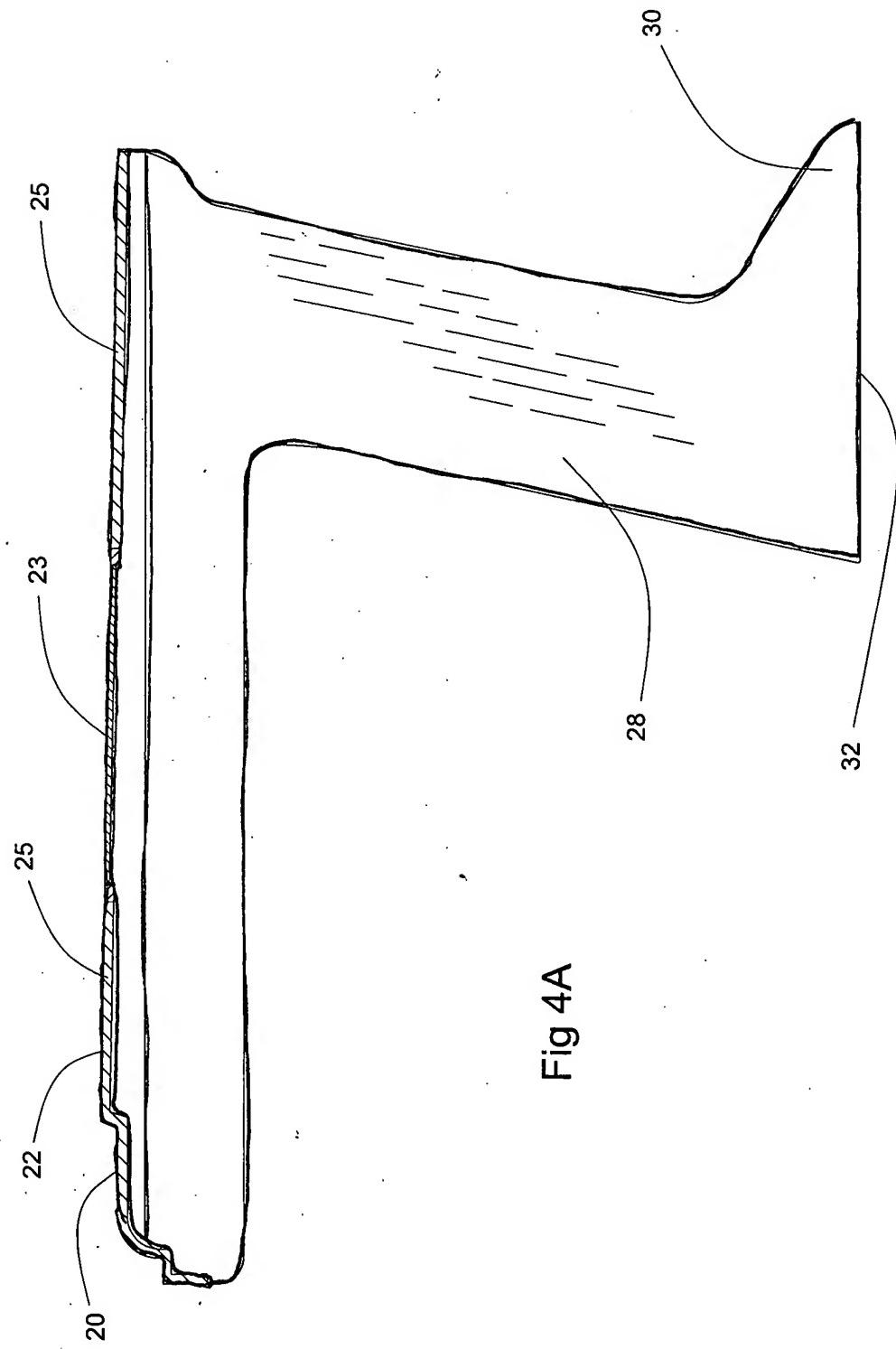


Fig 4A



Fig 3

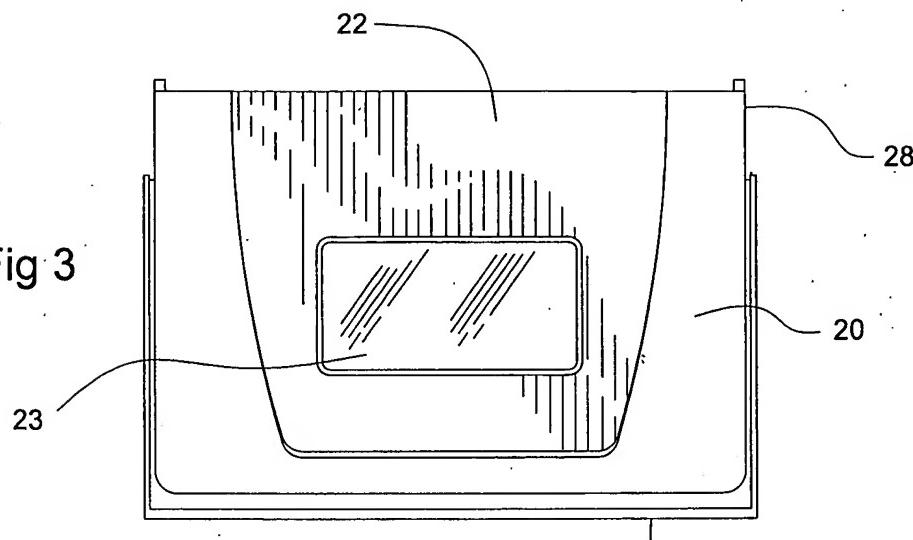


Fig 4

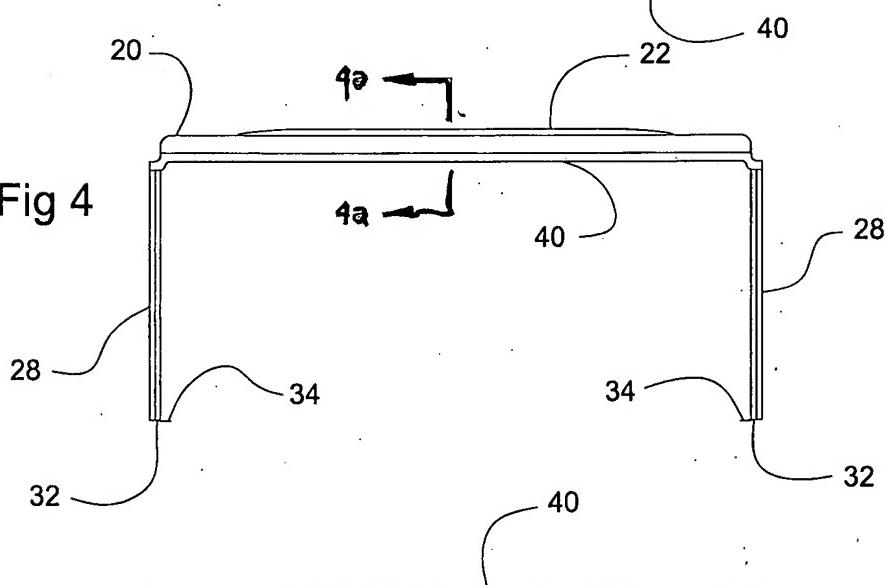


Fig 5

